UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
SHEDRICK, CHARLES TERRELL

ART UNIT	PAPER NUMBER
2617	

NOTIFICATION DATE	DELIVERY MODE
11/15/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *16 April 2010*.
2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-12,14-25,27 and 28* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) *1-12, 14-25 and 27-28* is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☐ All   b) ☐ Some * c) ☐ None of:
      1. ☐ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____.
      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments with respect to claims have been considered but are moot in view

of the new ground(s) of rejection. – Please review claim language and Examiner interpretation.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed
> in the United States before the invention by the applicant for patent or (2) a patent granted on an application for
> patent by another filed in the United States before the invention by the applicant for patent, except that an
> international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this
> subsection of an application filed in the United States only if the international application designated the United
> States and was published under Article 21(2) of such treaty in the English language.

1.   Claims **1-3 9-12, 15, 18- 21 and 28** are rejected under 35 U.S.C. 102(e) as being

anticipated by Karlsson et al. US Patent Pub. No.: 2005/0221807 A1, 'Karlsson', hereinafter.

        Consider **claims 1 and 21,** Karlsson teaches a method of reducing bandwidth utilization

while providing information to a client from a client access network in the form of user

information regarding a set of users (**e.g., presence information noted in at least the abstract**),

said method comprising the following steps: - receiving in an information server (**e.g., sending a**

presence information request to the repository which may be a server or database - 0024),a

subscription request from the client for certain information on the set of users (**i.e. , a user**

initiates a pull down of presence information from several entities to prepare subscription

request -0011, infrastructure request -0024, peer to peer -0026)- receiving and storing by the

server information updates regarding users in the set (**stored on server or device as noted in**

0009 and 0031), - receiving by the server, a first request for user information from the client(**i.e.,**

in response to a user selection the server receives a request- 0011-user can create various filters customizing presence information 0008-0018) – retrieving, by the server, stored user information corresponding to the requested user information(i**.e., automatically sending in response to a request – 0010, presence information is automatically queried based on requested criteria 0008-0018**), and - sending a first notification from the server to the client, the first notification including the retrieved user information, in response to the first user information request (**responses can be automatically sent based on query 0008-0018**), receiving by the server, a subsequent request for user information from the client (**i.e., the server is polled, pinged or queried again for user presence information 0022-0028**); and sending a subsequent notification from the server to the client (**i.e., repeating the initial step above in order to obtain more presence information such as mood or event status such as who is attending a party- 0022-0028**), the subsequent notification including only changes in **the user information** since the first notification, in response to the subsequent user information request(e.g., **user information** is referred to several times within the claim language. In this particular case, the subsequent request can actually read on a request for different user information updated by the requestor. The user could simply change the predefined category as noted in at least 0012 and therefore during the subsequent request for user information on the changes as specifically requested by the user would be sent. In other words, the user can request a change in information instead of relying strictly on the server to proceed based on a particular implication that the user should get updates only. Based on the manner in which the claim is written, the first request is not strictly tied to the updating information of the subsequent request since the claim language indicates the subsequent request is for "user information" (i.e., distinct

user presence information). Since Karlsson allows for multiple types of presence information, the prior art would still read on the claim since one would merely use Karlsson to request an updated presence (i.e., the initial request for user information would be based on the request for a location and a subsequent request for updated user information would be based a request for the users mood. One would simply update the filter on the requesting side and thus the server would send the updated info only per request)

Consider **claim 2 and as applied to claim 1**, Karlsson teaches wherein the users are mobile users (**e.g., see 26 and 27 of figure 9**).

Consider **claim 3 and as applied to claim 1**, Karlsson teaches the claimed invention characterized in that the user information is presence information on the users (**e.g., see at least 0008**).

Consider **claim 9 and as applied to claim 1**, Karlsson teaches wherein the first request for user information received from the client is limited to a subset of users comprising fewer users than the set of users (**e.g., predefined categories, criteria and groups which can be defined or selected by the user -0010-0013**).

Consider **claim 10 and as applied to claim 1**, Karlsson teaches wherein the first request for user information received from the client requests fewer types of information than the information included in the subscription (**i.e., the original subscription can be modified as selected or defined by the user**)(**e.g., see filter types -0010-0013 and 0024**).

Consider **claim 11 and as applied to claim 9**, Karlsson teaches wherein the first request for user information received from the client is limited to a subset of users and/or types of information is selected by the client (**i.e., the criteria is user defined or selected by the user -**

0012).

Consider **claim 12 and as applied to claim 11**, Karlsson teaches wherein the subset of

users and/or types of information is adapted to a service and/or application currently utilized by

the client (**i.e., client/server architecture or Application built to run a particular client - see**

architecture 0032 and/or 0038- see also where computer software enables request 0018).

Consider **claim 15 and as applied to claim 1**, Karlsson teaches the subscription request

from the client indicates the types of information requested (**e.g., type of presence information**

-0015).

Consider **claim 18 and as applied to claim 1**, Karlsson teaches wherein the set of users

is selected by indicating a predetermined list of users (**e.g., see filtered list noted in 0012-0013**).

Consider **claim 19 and as applied to claim 1**, Karlsson teaches wherein the set of users

is selected as an ad hoc list of users (**e.g., peer to peer approach 0025**).

Consider **claims 20 and 28 and as applied to claims 1 and 21**, Karlsson teaches wherein

the set of users is selected by adding users to or deleting users from a predetermined list of users

(**i.e., a definable list 0014**).

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

2.   The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459

(1966), that are applied for establishing a background for determining obviousness under 35

U.S.C. 103(a) are summarized as follows:

1.   Determining the scope and contents of the prior art.
2.   Ascertaining the differences between the prior art and the claims at issue.
3.   Resolving the level of ordinary skill in the pertinent art.
4.   Considering objective evidence present in the application indicating obviousness
        or nonobviousness.

3.   This application currently names joint inventors. In considering patentability of the

claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various

claims was commonly owned at the time any inventions covered therein were made absent any

evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out

the inventor and invention dates of each claim that was not commonly owned at the time a later

invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c)

and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4.   Claims **4-5, 7, 16-17, 22, 24-25** are rejected under 35 U.S.C. 103(a) as being unpatentable

over Karlsson et al. US Patent Pub. No.: 2005/0221807 A1, 'Karlsson', hereinafter, in view of

Admitted prior art MPEP 2129, 'APA', hereinafter.

        Consider **Claims 4 and 22 and as applied to claims 1 and 21**, Karlsson teaches the

claimed invention except wherein at least some of the users in the set are connected to other

access networks, wherein characterized in that the client access network establishes a network

subscription for user information updates with each of the other access networks to which users

in the set are connected in response to the received client subscription request.

However, APA teaches wherein at least some of the users in the set are connected to other access networks, wherein characterized in that the client access network establishes a network subscription for user information updates with each of the other access networks to which users in the set are connected, in response to the received client subscription request (**e.g., see Applicant's original disclosure with respect to figure 1**).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Karlsson to include wherein at least some of the users in the set are connected to other access networks, wherein characterized in that the client access network establishes a network subscription for user information updates with each of the other access networks to which users in the set are connected in response to the received client subscription request for the purpose of providing presence information as taught by APA and Karlsson.

Consider **Claim 5 and as applied to claim 4**, Karlsson as modified by APA teaches wherein several of the users in the set are connected to the same user access network (**e.g., see description with respect to figure 9**) wherein the client access network sends one common subscription request for those users to that user access network, including a list of the users in the set being connected to that network (**e.g., user defined criteria 0012-0013**).

Consider **Claims 7 and 24 and as applied to claims 1 and 21**, Karlsson teaches the claimed invention wherein after establishing the network subscriptions, information is initially received from the access networks on the current states of their respective users(i**.e., utilizing Karlsson based on requested criteria, one would simply create a group based on the other access network or based the information on an as needed basis- 0008-0018**).

However, Karlsson does not specifically teach other access networks

In analogous art, APA teaches other access networks (**e.g., see Applicant's original disclosure with respect to figure 1**).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Karlsson to include wherein after establishing the network subscriptions, information is initially received from the access networks on the current states of their respective users for the purpose of providing presence information as taught by APA and Karlsson. One of ordinary skill in the art would understand or could easily manipulate the order in which the updates are received from access networks

Consider **Claims 8 and 25 and as applied to claims 7 and 24**, Karlsson as modified by APA teaches <u>wherein</u> an initial notification is sent to the client regarding the received user information, before receiving the first user information request (**e.g., automatically pushed based on filter that is already in place versus a pull request by the user 0008-0018**).

Consider **Claim 16 and as applied to claim 1**, Karlsson teaches the claimed invention except wherein the subscription request from the client indicates a time of expiration for the subscription.

In analogous art, APA teaches wherein the subscription request from the client indicates a time of expiration for the subscription (**e.g., see Applicant's original disclosure page 4**).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Karlsson to include wherein the subscription request from the client indicates a time of expiration for the subscription for the purpose of providing presence information as taught by APA and Karlsson.

Consider **Claim 17 and as applied to claim 16**, Karlsson teaches the claimed invention

except wherein characterized in that the subscription request from the client specifies a minimum

time between successive notifications corresponding to the time of expiration.

In analogous art, APA teaches wherein characterized in that the subscription request from

the client specifies a minimum time between successive notifications corresponding to the time

of expiration (**e.g., see Applicant's original disclosure page 4**).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time

the invention was made to modify Karlsson to include wherein characterized in that the

subscription request from the client specifies a minimum time between successive notifications

corresponding to the time of expiration for the purpose of providing presence information as

taught by APA and Karlsson.

5.   Claims **6, 14, 23, and 27** are rejected under 35 U.S.C. 103(a) as being unpatentable over

Karlsson et al. US Patent Pub. No.: 2005/0221807 A1, 'Karlsson', hereinafter, in view of

Admitted prior art MPEP 2129, 'APA', hereinafter and further in view of Bells et al. US Patent

Pub. No.: 2004/0116137, 'Bells', hereinafter.

Consider **Claims 6 and 23 and as applied to claims 4 and 21**, Karlsson as modified by

APA_teaches the claimed invention except wherein information updates are continuously

received from the other access networks whenever changes of state are detected for the users in

the set impacting the present network subscription.

However, in analogous art, Bell teaches continuous updates of user presence (**e.g., see at**

least paragraphs 0036 and 0038).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Karlsson as modified by APA to include wherein information updates are continuously received from the other access networks whenever changes of state are detected for the users in the set impacting the present network subscription for the purpose of monitoring connectivity and presence information.

Consider **Claims 14 and 27 and as applied to claims 1 and 21**, Karlsson as modified by APA teaches the claimed invention except wherein a subsequent notification is sent to the client indicating that nothing has changed since the last notification.

However, in analogous art, Bell teaches wherein a subsequent notification is sent to the client indicating that nothing has changed since the last notification (**i.e., based on the comparison or correlation of the information would <u>indicate</u> that noting has changed**) (**e.g., see updates in at least paragraphs 0036 and 0038**).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Karlsson as modified by APA to include wherein a subsequent notification is sent to the client indicating that nothing has changed since the last notification for the purpose of monitoring connectivity and presence information.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHARLES SHEDRICK whose telephone number is (571)272-8621. The examiner can normally be reached on Monday thru Friday 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Lester Kincaid can be reached on (571)-272-7922. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Charles   Shedrick/
Examiner, Art Unit 2617